

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CALVIN WEDINGTON,)
)
)
Petitioner,)
)
)
v.) 1:20CV227
)
)
UNITED STATES OF AMERICA,)
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)
)
Respondent.)

ORDER

This matter is before this court for review of the Recommendation filed on March 13, 2020, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 2.) In the Recommendation, the Magistrate Judge recommends that this action be dismissed without prejudice to Petitioner filing a new petition in the proper district. The Recommendation was served on the parties to this action on March 13, 2020. (Doc. 3.) On March 24, 2020, Petitioner filed a premature "notice of appeal" which the court will treat as objections to the Recommendation. (Doc. 4.) Petitioner's appeal is currently pending with the Fourth Circuit Court of Appeals.

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or

modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendations. This court therefore adopts the Recommendations.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 2), is **ADOPTED**. **IT IS FURTHER ORDERED** that this action be, and is hereby, dismissed without prejudice to Petitioner filing a new petition in the proper district. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 6th day of May, 2020.



United States District Judge